

Recently, Qwest -- which enjoys a monopoly on local telephone service in our city of Laramie, Wyoming -- distributed a notice to telephone customers. This notice, similar to those distributed by banks pursuant to the Gramm-Leach-Bliley Act -- began with the statement that "The following information does not impact your Qwest billing" -- a statement clearly calculated to cause customers to mistake it for an irrelevant advertisement and throw it away unread. Closer examination of the pamphlet, which was written in language far above the reading level of the average consumer, revealed some startling language. Unless they specifically opted out, the pamphlet said, the intimate and personal details of consumers' telephone accounts, including whom they called and when, would be revealed to Qwest subsidiaries for use in marketing. (They would NOT, of course, be accessible to CLECs and competitive ISPs, putting these smaller competitors at a tremendous disadvantage.)

Information on HOW to opt out was not present on the front of the pamphlet but was buried in the middle. The telephone number supplied for the opt-out process frequently failed to work (and did not work when the company's offices were closed, even though the process could easily have been accomplished via an automated system that responded to touch tones). A Web page designed for the same purpose contained a long, cumbersome form and was frequently inaccessible as well.

Worse still, buried in Qwest's billing insert were assertions that are cause for great concern. Consumers' names, addresses, and phone numbers, declares Qwest, "are not generally considered confidential account information," and so the company claims the right to distribute them to anyone it pleases even if the customer opts out or the number is unlisted. (This could, potentially, aid stalkers and/or identity thieves.) And even if a customer opts out, the company says, it reserves the right to sell the account records to anyone with whom it has a "marketing agreement," or whenever it believes it to be "commercially reasonable" (i.e. whenever it can make money by doing so). All of these practices are in clear violation of any commonsense reading of 47 USC 222, and show Qwest's intent to play fast and loose with customers' private and personal information.

Most chilling of all is Qwest's statement, posted on its Web site, that the company "may opt to expand its capabilities for obtaining information about users in the future." Ma Bell, it seems, is becoming Big Brother.

These unethical activities underscore the URGENT need for regulations implementing the plain meaning of 47 USC 222: There should be a strict requirement that customers opt in -- not fail to opt out! -- before telecommunications companies can exploit consumers (who, especially in many of Qwest's territories, have no access to any viable competition). Time is of the essence; if the FCC fails to act, private information may be released -- as Qwest indicates that it intends to do -- within 30 days. Please move to safeguard consumer privacy and prevent anticompetitive behavior by publishing new rules before January 15, 2002.

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